

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	Plaintiff,	CIVIL ACTION NO.
v.		COMPLAINT
ROCK-TENN SERVICES COMPANY, INC.,	Defendant.	JURY DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Charging Party Michael Scott and a class of similarly situated aggrieved individuals, who were adversely affected by such practices. The Commission alleges that the Defendant, Rock-Tenn Services Company, Inc. discriminated against Mr. Scott and a class of similarly situated aggrieved individuals by subjecting them to a hostile work environment and disparate terms and conditions of employment because of their race, African-American.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1)

and(3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. Sections 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, Defendant, Rock-Tenn Services Company, Inc., has continuously been and is now doing business in the State of Texas, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Mr. Scott filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the employment of Mr. Scott and the class of similarly situated aggrieved individuals, Defendant subjected them to unwelcome racial harassment at Defendant's Dallas, Texas facility.

8. The unwelcome racial harassment of Mr. Scott and the class of similarly situated aggrieved individuals includes, but is not limited to, violent, racist graffiti in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2.

9. The unwelcome racial harassment of Mr. Scott also includes, but is not limited to, unwelcome racial remarks, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2.

10. The effect of the practices complained of above has been to deprive Mr. Scott and a class of similarly situated aggrieved individuals of equal employment opportunities and otherwise adversely affect their status as employees.

11. The unlawful employment practices complained of in paragraphs 7-10, above, were intentional.

10. The unlawful employment practices complained of in paragraphs 7-10, above, were done with malice or reckless indifference to the federally protected rights of Mr. Scott and a class of similarly situated aggrieved individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Rock-Tenn Services Company, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, and from engaging in any employment practice which discriminates in violation of Title VII.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mr. Scott and a class of similarly situated aggrieved individuals, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Mr. Scott and a class of similarly situated aggrieved individuals by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7-10 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order the Defendant to make whole Mr. Scott and a class of similarly situated aggrieved individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraphs 7-10, above, in amounts to be determined at trial.

F. Order the Defendant to pay punitive damages for its malicious or reckless conduct described in paragraphs 7-10, above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by the complaint.

Respectfully submitted,

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